

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

GREGORY L. CANNON,)
Plaintiff,)
vs.)
FEDERAL BUREAU OF PRISONS,)
ET AL.,)
Defendants.)
)
No. 2:23-cv-02143-SHM-tmp

**ORDER GRANTING ADDITIONAL TIME TO FILE *IN FORMA PAUPERIS*
APPLICATION (See ECF Nos. 7, 8, and 9)**

On January 30, 2024, the Court entered an Order re-opening this case and granting Plaintiff Gregory L. Cannon, Bureau of Prisons register number 13550-006, a 30-day extension to file an *in forma pauperis* application. (ECF No. 8 (the “Order to Reopen”).) On February 20, 2024, the copy of the Order mailed to Cannon at his address of record at the Federal Correctional Institution in Sheridan, Oregon, was returned marked undeliverable. (ECF No. 9.)

According to the Federal Bureau of Prisons website, Cannon is currently incarcerated at the Federal Correctional Complex in Terre Haute, Indiana.

https://www.bop.gov/mobile/find_inmate/byname.jsp#inmate_results ;
<https://www.bop.gov/locations/institutions/thp/> .

The Court GRANTS Cannon an additional 30 days after entry of this Order to either: (1) pay the entire \$402 civil filing fee; or (2) provide a properly completed and executed application to proceed in forma pauperis and a copy of his trust fund account statement. The undersigned is entering this order pursuant to Administrative Order 2024-07.

The Court DIRECTS THE CLERK to:

- (1) update the docket to state Cannon's address of record at Terre Haute Federal Correctional Complex, 4700 Bureau Road South, Terre Haute, IN 47802; and
- (2) mail Cannon along with this Order:
 - (a) a copy of the IFP Order (ECF No. 3)
 - (b) a copy of the Order to Reopen (ECF No. 8)
 - (c) a copy of the returned mail marked undeliverable (ECF No. 9)
 - (d) a copy of the prisoner *in forma pauperis* affidavit form.

If Cannon needs additional time to submit the affidavit, he may, within 30 days after the date of this order, file a motion for extension of time.

If Cannon timely submits the necessary documents and the Court finds that he is indeed indigent, the Court will grant leave to proceed *in forma pauperis* and assess only a \$350 filing fee in accordance with the installment procedure of 28 U.S.C. § 1915(b). However, if Cannon fails to comply with this order in a timely manner, the Court will deny leave to proceed *in forma pauperis*, assess the entire \$402 filing fee from his inmate trust account without regard to the installment payment procedures, and dismiss this action without further notice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). *McGore v. Wigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997), *overruled on other grounds*, *Jones v. Bock*, 549 U.S. 199, 203 (2007).¹

IT IS SO ORDERED this 29th day of February, 2024.

s/Tu M. Pham
TU M. PHAM
CHIEF UNITED STATES MAGISTRATE JUDGE

¹ Even a voluntary dismissal by Plaintiff will not eliminate the obligation to pay the filing fee. *McGore*, 114 F.3d at 607, *see also In re Alea*, 286 F.3d 378, 381 (6th Cir. 2002).